

SUPREME COURT OF WISCONSIN

CASE No.: 2005AP48-CR

COMPLETE TITLE:

State of Wisconsin,
Plaintiff-Respondent,
v.
Sean M. Daley,
Defendant-Appellant.

REVIEW OF A DECISION OF THE COURT OF APPEALS
2005 WI App 260
Reported at: ___ Wis. 2d ___, 709 N.W.2d 888
(Ct. App. 2005-Published)

OPINION FILED: March 16, 2006

SUBMITTED ON BRIEFS:

ORAL ARGUMENT:

SOURCE OF APPEAL:

COURT: Circuit
COUNTY: Oconto
JUDGE: Larry Jeske

JUSTICES:

CONCURRED:

DISSENTED:

NOT PARTICIPATING:

ATTORNEYS:

SUPREME COURT OF WISCONSIN

NOTICE

This order is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

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FILED

MAR 16, 2006

Cornelia G. Clark
Clerk of Supreme Court
Madison, WI

The Court entered the following order on this date:

Defendant-appellant-petitioner, Sean M. Daley, has filed a petition for review. The State has filed a response that the court of appeals' decision in this case conflicts with binding precedent, State v. Barney, 213 Wis. 2d 344, 570 N.W.2d 731 (Ct. App. 1997). Having considered the petition for review and the State's response,

IT IS ORDERED the petition for review is granted, the court of appeals' decision is vacated and this matter is remanded to the court of appeals for further proceedings in light of Barney.

IT IS FURTHER ORDERED that the proceedings in this court are held in abeyance pending remand, and while the appellate court conducts proceedings on remand, this court retains jurisdiction over the petition for review and the parties are instructed to inform this court of the outcome on remand.

